

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and) STEINER ASSOCIATES, LLC,) Plaintiffs,) v.) EBAY INC., et al.,) Defendants.))	Civil Action No. 21-CV-11181-DPW
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JOINT STATUS REPORT OF PLAINTIFFS AND EBAY INC.

Plaintiffs Ina Steiner, David Steiner, and Steiner Associates, LLC (collectively “Plaintiffs”) and Defendant eBay Inc. (“eBay”) hereby submit this joint status report pursuant to the Court’s order entered on February 7, 2022, (Dkt. 112), which stayed proceedings in this matter for no more than 90 days (the “Order”). Plaintiffs and eBay hereby state as follows:

1. Plaintiffs filed their Complaint in this action on July 21, 2021. Dkt. 1. eBay and several other Defendants filed motions to dismiss or partially dismiss the Complaint in October through December 2021. *See, e.g.*, Dkt. 89. On November 15, 2021, this Court granted Plaintiffs’ motion for an extension of time to file a consolidated opposition to Defendants’ motions to dismiss until January 31, 2022. Dkt. 100.

2. On January 29, 2022, Plaintiffs and eBay jointly moved this Court to stay proceedings for 90 days so that the parties could engage in mediation with the goal of reaching a resolution in this matter. Dkt. 108. Plaintiffs and eBay submitted that joint motion with the consent of all parties, except for Defendant Jim Baugh (“Baugh”), who opposed the motion. *Id.*

3. On January 31, 2022, this Court ordered Baugh to submit an opposition to the Joint Motion to Stay by February 4, 2022. (Dkt. 109).

4. On February 4, 2022, Baugh filed a response in opposition to the Joint Motion to Stay. (Dkt. 111). On February 4, 2022, Baugh also filed a crossclaim for indemnification against eBay Inc. (Dkt. 110).

5. On February 7, 2022, this Court issued the Order, which stayed proceedings in this matter for no more than 90 days, and required the parties to provide a status report no later than May 16, 2022 “regarding the success vel non of efforts to resolve this matter in whole or in part.” (Dkt. 112).

6. Following issuance of the stay, counsel for Plaintiffs and eBay coordinated regarding the scheduling and conducting of a formal mediation.

7. On April 14, 2022, Plaintiffs and eBay engaged in a mediation. Plaintiffs and eBay did not reach an agreement on a resolution of this matter, in whole or in part.

8. On May 7, 2022, Plaintiffs moved to extend the time by which they are required to file their consolidated opposition to Defendants’ motions to dismiss. Dkt. 113. The Court granted that motion on May 9, 2022, and Plaintiffs’ consolidated opposition to Defendants’ motions to dismiss is due on May 23, 2022. Dkt. 114. Several Defendants have also been granted leave to file reply briefs within 14 days of Plaintiffs filing their consolidated opposition. *See, e.g.*, Dkts. 67, 68, 71, 74, 86.

9. On May 8, 2022, the stay was lifted. *See* Dkt. 112.

10. Pursuant to Fed. R. Civ. P. 12(a)(1)(B), eBay’s response to Baugh’s cross claim is due before the Court on or before May 26, 2022. *See* Dkt. 110.

11. The parties thus understand the following deadlines to be applicable with respect to upcoming filings before the Court:

- **May 23, 2022** – Plaintiffs shall file their Consolidated Opposition to Defendants’ Motions to Dismiss.

- **May 26, 2022** – eBay shall file a response to Baugh’s crossclaim.
- **June 6, 2022** – Defendants, with leave to file, shall file replies to Plaintiffs’ Consolidated Opposition to Defendants’ Motions to Dismiss.

Respectfully submitted on this 16th day of May 2022.

/s/ Rosemary C. Scapicchio

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CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2022, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: May 16, 2022

/s/ Jack W. Pirozzolo
Jack W. Pirozzolo